

CITY OF WILSONVILLE
CITY COUNCIL MEETING MINUTES

A regular meeting of the Wilsonville City Council was held at the Wilsonville City Hall beginning at 7:30 p.m. on Monday, April 16, 2012. Mayor Knapp called the meeting to order at 7:37 p.m., followed by roll call and the Pledge of Allegiance.

The following City Council members were present:

Mayor Knapp
Council President Núñez
Councilor Hurst -- excused
Councilor Goddard
Councilor Starr

Staff present included:

Bryan Cosgrove, City Manager	Melody Rose, Legal Intern
Jeanna Troha, Assistant City Manager	Blaise Edmonds, Manager of Current Planning
Mike Kohlhoff, City Attorney	Steve Adams, Interim City Engineer
Cathy Rodocker, Assistant Finance Director	Pat Duke, Library Director
Sandra King, City Recorder	Barbara Jacobson, Assistant City Attorney
Mark Ottenad, Public Affairs Director	Mike Ward, Engineer
Dan Knoll, Public Affairs Coordinator	
Kerry Rappold, Natural Resources Manager	

Motion: Council President Nunez moved to approve the order of the agenda. Councilor Starr seconded the motion.

Vote: Motion carried 4-0.

MAYOR'S BUSINESS

Appointment to Library Board. Council will be interviewing the applicants and made a recommendation at the May 7, 2012 Council meeting.

Upcoming Meetings were announced by the Mayor in particular the upcoming Budget Committee meetings.

COMMUNICATIONS

A. Ken and Jake Dickson Memorial Park Dugout Project

Mayor Knapp recognized Jake Dickson of Boy Scout Troop 135, who earned his Eagle Scout Merit Badge by helping to construct and install two dugouts on Ball Field #4 at Memorial Park.

B. Earth Day Proclamation and "The Journey of a Raindrop" video

Mr. Rappold explained this year's theme for Earth Day is "Be Water Wise Wilsonville". A video titled "The Journey of a Raindrop" was shown to the Council, and will be shown at the

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Earth Day celebration, as well as being available on the City's website. The video educates the public about stormwater runoff and the role citizens play in minimizing its impacts.

Mayor Knapp read the 2012 Earth Day Proclamation into the record.

C. Opportunity Grant Awards Parks and Recreation Advisory Board

The Parks and Recreation Advisory Board selected these community organizations to receive funding from the Opportunity Grant Award program.

- Imagination Library, sponsored by the Kiwanis Club. The grant will pay for program information mailings to all 97070 zip code addresses so parents receive the information needed to sign their children up for the program.
- Wilsonville High School Robotics Team, represented by Craig Faiman fundraising director and Katie Burrell team member. The team will attend the world championship in St. Louis, Missouri next week and the funds will go towards the teams travel expenses.
- Rotary Chess for Success Club. Steve Perry explained the Chess Club has been very well received and the funds would provide for two chess clubs, one at the entry level, and a second at an advanced level.
- Coffee Creek Quilters, represented by Nancy O'Brien, teaches the inmates of Coffee Creek Correctional Facility how to quilt, currently there are 80 students. The grant will be used to put together a traveling exhibit of the quilts.
- Wilsonville Farmer's Market at Villebois will be a traditional farmers market located in Sophia Park. The funding will be used to advertise the event throughout the City and neighboring communities.

CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS

This is an opportunity for visitors to address the City Council on items *not* on the agenda. It is also the time to address items that are on the agenda but not scheduled for a public hearing. Staff and the City Council will make every effort to respond to questions raised during citizens input before tonight's meeting ends or as quickly as possible thereafter. Please limit your comments to three minutes.

Laurent Rochette, Charbonneau, recounted use of Facebook and twitter to circulate a petition and collect signatures in support of the French Prairie Bike/Pedestrian Bridge which showed there was regional support for the project. He thought cyclists using the bridge and traveling through Wilsonville would stop at local restaurants and shops to spend their money.

COUNCILOR COMMENTS, LIAISON REPORTS & MEETING ANNOUNCEMENTS

Council President Núñez – Chamber Leadership and Library Board liaison, noted she would be attending the Chamber Leadership meeting this Friday. She announced the last Middle School Dance of the school year, the April 24 Earth Day events scheduled at the Wilsonville Library; and the Mother-Son Barn Dance at the Stein-Boozier Barn in Murase Plaza.

Councilor Goddard – Library, Chamber Board, and Clackamas County Business Alliance liaison announced the Library Board meeting date and noted the activities of the last CCBA meeting.

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Councilor Starr –Development Review Boards and Wilsonville Community Seniors Inc., liaison reported on the activities of DRB Panel-A. He noted the Economic Development Advisory Task Force would be meeting April 19, 2012 and that four focus groups had met to discuss economic policy. Councilor Starr announced the upcoming WERK Day, Keeping It Local Fair, and that the Planning Commission unanimously voted to approve changes to the Sign Code.

CONSENT AGENDA

Mr. Kohlhoff read the titles of the Consent Agenda items into the record.

- A. **Resolution No. 2354**
A Resolution Granting An Exemption From Property Taxes Under ORS 307.540 To ORS 307.548 For Autumn Park Apartments, A Low-Income Apartment Development Owned And Operated By Northwest Housing Alternatives, Inc.

- B. **Resolution No. 2355**
A Resolution Granting An Exemption From Property Taxes Under ORS 307.540 To ORS 307.548 For Rain Garden Limited Partnership, A Low-Income Apartment Development Owned And Operated By Caritas Community Housing Corporation.

- C. **Resolution No. 2356**
A Resolution Granting An Exemption From Property Taxes Under ORS 307.540 To ORS 307.548 For Creekside Woods LP, A Low-Income Apartment Development Owned And Operated By Northwest Housing Alternatives, Inc.

- D. **Resolution No. 2357**
A Resolution Granting An Exemption From Property Taxes Under ORS 307.540 To ORS 307.548 For Charleston Apartments, A Low-Income Apartment Development Owned And Operated By Northwest Housing Alternatives, Inc.

- E. **Resolution No. 2358**
A Resolution Granting An Exemption From Property Taxes Under ORS 307.540 To ORS 307.548 For Wiedemann Park, A Low-Income Apartment Development Owned And Operated By Accessible Living, Inc.

- F. **Resolution No. 2352**
A Resolution Of The City Of Wilsonville Temporarily Modifying Vehicular Speed Limits Along Segments Of Day Road And Boberg Road In Conformance With Oregon Revised Statutes (ORS 810.180).

- G. Minutes of the March 19, 2012 and April 2, 2012 Council Meetings.

Motion: Council President Nunez moved to approve the Consent Agenda. Councilor Starr seconded the motion.

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Vote: Motion carried 4-0.

NEW BUSINESS

Mr. Kohlhoff read the title of Resolution No. 2351 into the record.

- A. **Resolution No. 2351**
A Resolution Adopting A Gift Acceptance Policy For The City Of Wilsonville

Melanie Rose, Legal Intern, presented the staff report. Currently, there is no City-wide policy in place for the acceptance of gifts to the City. There are potential pitfalls to accepting certain types of gifts. If caution is not taken when accepting gifts, the City could be subject to liability, negative economic consequences, administrative expense, as well as cause negative economic consequences to the donor. Implementing a City-wide gift acceptance policy will ensure that the City's decision to accept a gift is well thought out and in line with City goals. Ms. Rose noted Exhibit A, page 5 should have this language added to the last sentence, "unless the City determines circumstances warrant it should be at the City's expense."

Motion: Councilor Goddard moved to adopt Resolution No. 2351. Councilor Nunez seconded the motion.

Vote: Motion carried 4-0.

PUBLIC HEARING

Mr. Kohlhoff read the title of Resolution No. 2353 for the record.

- A. **Resolution No. 2353**
A Resolution Of The City Of Wilsonville Establishing Just And Equitable System Development Charge And A Stormwater Fee For Stormwater Management And Repeals Resolution No. 1732.

Mayor Knapp opened the public hearing at 8:35 p.m. and read the hearing format.

Gary Wallis, Finance Director, and Kerry Rappold made the presentation to Council.

Mr. Rappold recapped the short term, the first five years, of the 20 year capital program. Which include 2 pipe improvement projects, 4 restoration projects; 2 low impact development projects; and 5 studies. The critical projects include the Rivergreen project; Boeckman Creek at Wilsonville Road Bridge, and Morey's Landing which was an addition to the five-year program.

Mr. Wallis discussed when the rate increases would occur.

The proposed resolution incrementally increases the stormwater fee from \$3.72 to \$5.60 per equivalent residential unit (ERU), and phases, over three years, an increase in the stormwater system development charge from \$492 to \$1,356 per ERU. These increases are necessary to support the existing and future needs of the City's stormwater system.

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The City Council approved an update to the Stormwater Master Plan with Ordinance No. 700 on February 23, 2012. The master plan includes policies, a Capital Improvement Program, and a funding model for stormwater management. Chapter 10 (i.e., Financial Analysis) of the Stormwater Master Plan identifies modeling assumptions and outcomes, and proposed stormwater fee and system development charge (SDC) to fund the stormwater management program.

The following table provides the schedule for implementing the increases in the stormwater fee and SDC over the next five years:

Per ERU	Current	July 1, 2012	July 1, 2013	July 1, 2014	July 1, 2015	July 1, 2016
Stormwater Fee	\$3.72	\$5.00	\$5.10	\$5.25	\$5.45	\$5.60
SDC Improvement Fee	\$492	\$620	\$748	\$876	\$876	\$876
SDC Reimbursement Fee	0	\$160	\$320	\$480	\$480	\$480
Total SDC	\$492	\$780	\$1,068	\$1,356	\$1,356	\$1,356

Mr. Wallis showed a chart indicating where Wilsonville falls compared with neighboring cities—and the City is at the low end of the metropolitan area for stormwater fees.

The proposed method of funding for the Capital Improvement Program, contained within the recently approved Stormwater Master Plan, is to use a combination of revenue bonds, stormwater system development charge and stormwater fee. The funding methodology included the following assumptions:

1. 20-year revenue bonding at an interest rate of 5.0%
2. A coverage factor of 1.25 times maximum annual debt service
3. Level debt service
4. An Operating Fund balance at no less than \$200,000
5. ERU growth of 1 3/4% per year
6. Cost escalation generally at 3% with the exception of 4.5% for personal services and 4.5% for transfers

The proposed increases in the stormwater fee and system development charge will provide funding for necessary capital improvements identified in the Stormwater Master Plan. The proposed stormwater rates will also provide additional revenue for ongoing operations and maintenance of the stormwater system.

An increase in rates is necessary to pay for the projects identified in the Plan and to pay for normal operating and maintenance costs. There is no budgetary impact on the current fiscal year. The FY 2012-13 budget has assumed the rate increase phase-in per the table above. An alternate phase-in is provided below. This proposal applies to needs through 2016. Further increases are expected for year 2017 and beyond.

A public hearing was conducted before the Planning Commission on January 13, 2010. No testimony was received from the public, and the Planning Commission approved the Stormwater Master Plan without any revisions.

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Over the past four years, the City Council has reviewed and discussed the Stormwater Master Plan at eleven work sessions. At these work sessions, staff received input on the proposed policies, capital improvement program, financial analysis and rate structure, and public involvement opportunities. Revisions were made to the master plan to address input from the City Council.

The proposed stormwater rates will impact residential, commercial and industrial customers. The customers will receive a variety of benefits, which include reducing flooding, controlling erosion, and improving water quality of local streams and wetlands.

Councilor Goddard asked to see a modified version of the rates that would provide a more level phase-in during the first couple of years which is reflected in this side-by-side comparison of the original proposal and a modified version. These are monthly rates for a typical homeowner. Multifamily, commercial and industrial would increase by similar percentages. The financial impact would reduce revenues by approximately \$150,000 in the first year and may delay repayment of a pending interfund loan by six months.

Effective July 1 of	Original	Modified
Today's rate	\$3.72	\$3.72
2012	\$5.00	\$4.40
2013	\$5.10	\$5.10
2014	\$5.25	\$5.25
2015	\$5.45	\$5.45
2016	\$5.60	\$5.60

Councilor Starr appreciated the five-year phase in of the increased user rates and the three-year phase in of the SDCs.

Councilor Goddard thanked Mr. Wallis for the alternative analysis and the softening of the stormwater rate increases. Councilor Goddard stated his interest is to be sensitive to community members living on fixed incomes.

Motion: Councilor Goddard moved to adopt the modified rate increase schedule and modify Resolution No. 2353 accordingly; Council President Núñez seconded the motion.

Mayor Knapp commented the difference is 60 cents per month, or \$7.20 per year. He felt since the rates had not changed in eleven years, the original staff proposal of \$5.00 should stand. With that modest increase, Wilsonville has the lowest stormwater fee in the metro region.

Vote: Motion carried 3-1. Mayor Knapp voting “No”.

Mayor Knapp invited the audience to comment, hearing nothing he closed the public hearing at 8:48 p.m.

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Motion: Councilor Goddard moved to approve Resolution No. 2353 as modified.
Councilor Starr seconded the motion.

Mayor Knapp asked where the City stood regarding SDCs.

Mr. Rappold stated with the initial increases the City would be towards the mid-range, with the final increase that would put the City in the upper third, assuming there were no changes to neighboring cities fee structures.

Vote: Motion carried 4-0.

B. **Ordinance No. 703** – First reading.

An Ordinance Of The City Of Wilsonville Approving A Zone Map Amendment From The Residential Agricultural – Holding (RA-H) Zone To The Planned Development Residential – 4 (PDR-4) Zone On 19.962 Acres Comprising The Northerly Portions of Tax Lots 103, 105, And 200 Of Section 14A, T3S, R1W, Clackamas County, Oregon. Holland Partner Group, Applicant.

Ordinance No. 703 was read by Mr. Kohlhoff by title only on first reading and said this was a zone change quasi-judicial hearing.

Mayor Knapp opened the public hearing on Ordinance No. 703 at 8:50 p.m. and explained the hearing format.

Mr. Edmonds prepared the staff report which is included here for background.

Approve or Deny Ordinance #703 for a Zone Map Amendment from the Residential Agricultural – Holding (RA-H) zone to the Planned Development Residential - 4 (PDR-4) zone on 19.962 - acres comprising the northerly portion of the former Thunderbird Mobile Club along SW Parkway Avenue. Conforming the PDR zones to the established densities on the Comprehensive Plan map is a routine item, for which the City Council is the final local authority. Holland Partner Group, is the Applicant. The proposed Zone Map Amendment is being forwarded to the City Council by Development Review Board Panel 'B' with a recommendation of approval. The Board approved a companion application to modify the Stage I Preliminary Plan for Brenchley Estates (re-named Jory Trail at the Grove) to combine it with Brenchley Estates - North. The combined master planned area is 59.96 acres comprising 71 single-family detached homes and 683 multi-family units. The approved Jory Trail at the Grove project is 32.06 acres and proposed Brenchley Estates - North is approximately 28 gross acres. The proposed zone change will enable phased development of Brenchley Estates - North which will comprise of 359 market rate apartment units, a 39 lot subdivision for detached single-family houses (for sale), a 1.4 acre future development parcel (use to be determined through a future application), a 1.07 acre private park and a community center/swimming pool. No change to Comprehensive Plan densities is proposed. The DRB approved several companion applications including a Stage II Final Plan, waivers, Site Design Plan, Type 'C' Tree Plan for Lot 1, and 5-Lot Tentative Subdivision Plat. Those approvals are contingent on Council approval of the subject Zone Map Amendment. Three

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citizens testified in opposition; two had concerns about traffic congestion and one about electrical Code violations.

Adoption of Ordinance No. 703 will enable development of 359 apartment units in 14 buildings, a community center/swimming pool and 39 single family detached houses in Brenchley Estates – North.

Lot 1 (Phase 1): Construction of 288 apartments would begin this summer and would take approximately one year to complete. Development of 39 - lots and homes on Lots 2 and 3 of Brenchley Estates - North would begin in the fall of 2012. The proposed 4-story, 71 units on Lot 4 (Phase 2) will be submitted to the City within 1 to 5 years for final Stage II approval.

Proposed Brenchley Estates – North is a private development so the Applicant is responsible to make all public and private improvements, pay City application fees and systems development charges for parks, storm sewer and streets.

Property tax impacts for the city, fire district and school are noted in a section below. The development is not within an urban renewal district so all tax increases flow to the taxing entities. Combined water and sewer sales are estimated to be \$300,000 per year.

A zone change hearing is a quasi-judicial land use hearing. Any ex parte contact must be disclosed when asked by the Mayor at the time he provides the introduction. Any conflict of interest must likewise be disclosed and recusal announced from participation as a hearing officer in the matter. The decision making involves the application of discrete facts to the applicable standards. E.g. does the proposed density for the zone change comply with that of the Comprehensive Plan and Map densities?

The required public hearing notices have been sent. Last fall the Applicant conducted a neighborhood meeting with residents from Ash Meadows Condominiums. Staff requested the Applicant to contact the West Linn/Wilsonville School District about potential school enrollment impacts. The Applicant also contacted Mentor Graphics, the largest adjacent property owner.

Ordinance No. 703 will provide:

- Brenchley Estates – North will add approximately \$33 million dollars in new assessed value to the community resulting in approximately \$80,000 to the City's general fund; \$50,000 to the TVFR and at least \$165,000 to the school district. These are annual future revenues.
- \$341,960.00 Construction Excise Tax dollars generated for capital school development.
- 359 new apartment units and 39 houses to help balance jobs and housing within the City.
- Attract new businesses for employees looking for closer work commutes.
- Increased shopping, dining, dental and medical, professional services within the City and walking distance of Wilsonville Town Center.
- 12 four-bedroom apartment units to attract students from OIT and Pioneer Pacific College.
- Increased transit ridership generated by the project next to a major transit route along SW Parkway Avenue.
- *SMART* pull-out at SW Parkway Avenue.

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- Improved 8 to 10 foot wide bicycle and pedestrian pathway along west side of SW Parkway Avenue.
- Hundreds of construction jobs for several years.

Any proposal to create lower housing or higher density housing would require a Comprehensive Plan Map Amendment. The Applicant seeks to develop Brenchley Estates – North within the allowed PDR-4 and PDR-5 zoning densities and does not seek a Comprehensive Plan Map Amendment.

Mr. Edmonds used a PowerPoint slide show to aid his presentation.

The following portion is a transcript of the hearing.

Blaise Edmonds	<p>As required by statute I would announce that the criterion applicable to this application is stated on Page 3 of City Council Exhibit E, of the staff report which has been entered into the record. Copies of the report are available at the side of the room.</p> <p>As Mr. Kohlhoff has mentioned this application tonight is to review a proposed zone map amendment as discussed in the Work Session. DRB Panel-B approved numerous companion applications in the black font. Your request is Ordinance No. 703. The proposed zone change is from Residential Agricultural Holding to Planned Development Residential-4.</p> <p>What you see is the north part of the site. I added this additional slide since our last presentation; this is an interesting slide that shows the Thunderbird Mobile Club in 1963, and an almost identical aerial flight looking at the site of the Brenchley Estates North project. Of course, all of those companion applications that the City’s Development Review Board approved are contingent of the approval of the Zone Map amendment. But you can see that most of the trees that were planted on the site occurred since 1963. The grove of Oregon White Oak trees in the middle of the site, which would be Tract E, a private park those most important trees the applicant will preserve as part of that tract.</p> <p>This is the official City Council Exhibit B showing survey Parcel 2, approximately 20 acres to be rezoned. Next to that image is the overall Brenchley Estates project, all 59.96 acres. You can see the zone line with the dashed red, everything north of that line would be rezoned, and everything south would remain in the current PDR-5 zone.</p> <p>The Comprehensive Plan density I tried my best, Councilor Goddard, apparently our Comprehensive Plan maps aren’t the most readable maps, I do have paper versions I can pass around if you do have questions.</p> <p>The property we are looking at is this area here. The planned density for the entire 59.96 acres is 6-7 units per acre. I’m suspecting your questions</p>
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might fall under, “How do we get to proposed 754 dwelling units that the applicant is proposing over the entire master planned property?”

In this particular phase, they would like to start construction, as soon as they get land use approvals, on the 288 apartments in 14 buildings. They are providing twelve 4-bedroom apartment units; I think they are trying to attract potential renters from Oregon Institute of Technology, and Pioneer Pacific College from that student body population. And a club house in the corner., The future development site that we talked about during the work session that may be commercial in the future, or it could turn into more residential; and a four-story, maybe three-story; Panel-B was not ready to review a waiver for a fifty-foot high building over the thirty-five foot height restriction for that building, but that would come back under a subsequent planned development application to the Development Review Board.

Now that you have that general picture in your mind, the path to get to the density:

The 6-7 dwelling unit per acre is the Comprehensive Plan density. In 2000 the City Council passed an ordinance that created Planned Development ranges for development from PDR-1 to PDR-7. Prior to that we just had a Planned Development Residential Zone.

In 2002 Council passed another ordinance that adopted what you see as Table 1: PDR Zone based on Comprehensive Plan Density. Table 1 shows a cross reference, if you have 6-7 units per acre you would go to a PDR-4 Zone. If you have 10-12 units per acre you go to a PDR-5 Zone.

By using the zoning classifications, it brings us down to a further density calculation. Under the PDR-4 Zone if you take the gross site acres, divided by 4,000 square foot lot size you get one value. If you have a PDR-5 Zone, you divide it by 2,500 square foot lot size you get another value.

The table in the middle, you can see Jory Trail at the Grove had PDR-5 zoning existing, the Comprehensive Plan would allow a maximum range of 7 you get 224 units. Zoning however, using PDR-5 divided by 2,500 square feet per gross site area, you have 454 units. By adding those together you gain 229 dwelling units above the basic Comprehensive Plan density of 7.

The same would hold true with the PDR-4, there is a gain of another 106 units, so you actually come up with a value of 755 units. If you were to subtract out the maximum that the Comprehensive Plan would have is 420, combining the Comprehensive Plan and Zoning methodology you

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	<p>have a plus of 335 units.</p> <p>I have to say I have not looked at an apartment project since the Summit Apartments twelve years ago at the north end of Canyon Creek Road. We have had the Bell Tower with the Old Town Square that is more recent, but that was in the Planned Development Commercial Zone. The other apartment projects that we have reviewed have all been in Villebois, which is another methodology for determining density based on the Villebois Master Plan.</p> <p>How the Comprehensive Plan and the Zoning Designations, combining those two this is how we arrive at the maximum density for residential development outside of Villebois. It is pretty revealing how much more density you can achieve once you combine the two, versus looking at them independently.</p> <p>This is a chart of City wide housing units done last December. You can see the number of apartments, condominium, duplexes, mobile homes, mobile home/park, and single family units total approximately 9,060 units. Of the housing inventory currently, we have 57 percent multi family, including 563 condominiums. Forty-one percent in single family. By the way, the forty-one percent in single family corresponds to what the 2000 census said of how much basically we have in single family in year 2000 single family ownership.</p> <p>Where we lost a housing type has been in the mobile home park, and that's a loss of over 270 some odd units in the Thunderbird Mobile Club, so that percentage has dropped down to 1.8 percent.</p>
Councilor Starr	How many units did you say was in Thunderbird?
Mr. Edmonds	I heard different values, 275, do your recall?
Mr. Kohlhoff	It's between 275 and 285. The reason we have that is we couldn't get a hard read on the actual lot spaces and because of some changes that occurred with the mobile club.
Mr. Edmonds	<p>Thank you Mr. Kohlhoff.</p> <p>One interesting note thought, this is across the street on Parkway, in 1992 Mentor Graphics removed housing, it used to be residential, and put it into industrial campus as a Comprehensive Plan amendment under Ordinance No. 395. So we lost 226 dwelling units on the east side of this project in 1992. So there was a reduction of housing in the last 20 years.</p> <p>I did some comparison to Summit Apartments, those are the closest comparable. You can see that 324 units which is close to our proposed project, say Brenchly South of 324 units. You can see also it was on approximately the same amount of acreage, 20 acres versus 21. South</p>

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	<p>there is probably the same relative same density for gross site area of 15.2, 16.04.</p> <p>The other apartment project site, I want to give you a comparable, but the project you see on the list fell under an older zoning Code that measured density in a much different way. We didn't have that Table 1 that I showed you with the yellow bar. Those typically if you were in medium density range they could have had much higher density but they chose not to go there. They could have divided the gross site area under the old zoning Code by 3,000 square feet per unit. Branchly North is a range of for PDR-4 is one unit per 4,000 square feet. Those particular apartment projects chose not to go higher density, but they could have under the old zoning Code.</p> <p>There was some discussion about an earlier conceptual plan that Council looked at. It was under Executive Session so I probably shouldn't share the map it's been over a year. The original conceptual plan the developer presented under an executive session, Branchly South, they were proposing approximately 780 total units. Again they reduced that by 26 units to 754, so they have actually reduced what you originally saw over a year ago on the concept plan.</p> <p>However, the mix of units has changed; 399 units in Branchley South, 300 apartments, 63 town homes, you don't have town homes now. Proposed, are 28 single family, 13 for rent town houses and a mix of 376 housing units. The particular map that you saw didn't show what the 376 units on the North end would be.</p> <p>What the point is here though is that they have kept to within the density, or the number of housing units from the plan that you saw a year ago in Executive Session,</p>
Councilor Starr	<p>Could I ask another question?</p> <p>I would agree with that statement, but there is still more land to be developed there, so how would you reconcile the rest of the land?</p>
Mr. Edmonds	<p>Actually the future commercial is only vacant commercial that they would have to the north, and that is a little over an acre, not a large amount of property that they are proposing if it was to go to commercial.</p>
Councilor Starr	<p>Okay. In the proposed four-story building is included inside of this number?</p>
Mr. Edmonds	<p>Yes, it is included in the 754.</p> <p>Just a little background again. Where the Comprehensive Plan seeks that we combine the Comprehensive Plan designation with the Zoning Classification is on page D-13 of the Comprehensive Plan. "Insure residential densities in new development are not less than 80% of the</p>

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maximum zoned densities.”

So there is a linkage of our Comprehensive Plan to our Zoning Code in calculating the density that I showed you.

In the Urban Growth Management Functional Plan which is a Metro framework plan, which is by the way a state law that enables Metro for jurisdictions to a seek compact urban form, fair share approach to meeting regional housing needs for the purpose of Title I. They accomplish these policies by requiring each City and county to maintain and increase its housing density.

So there is a state mandate that filters through Metro and we adopted that in the year 2000-2002. The Comprehensive Plan provision I point out on page D-13 requires a higher density range.

This project would be considered a mid-residential density. Our highest density on our zoning on our Comprehensive Plan is 12-20. I don't think we have any 12-20 developments yet in Wilsonville, but that would be the highest. This would be considered a middle density range, believe it or not.

So I've given you a lot of information on density, I hope I didn't confuse anybody. I'm just trying to give a framework that it's a pretty complicated, maybe not so complicated, but there is a path to how you measure density, and it is all linked to state law and what we are required to do to balance housing and employment in the city.

I want to add one other thing that came up in the work session. Councilor Starr asked about the number of bicycle spaces. There was a condition of approval that the Development Review Board approved, Condition PDD4, “The applicant shall provide a minimum of 291 bicycle parking spaces to be disbursed throughout the project site providing racks for lockable space for 9 or fewer bikes apiece for a total of 81 bikes. One hundred fourteen (114) bikes at a ratio of one bike parking space per garage space, covered bicycle parking for a minimum of 96 additional spaces within the 96 first floor dwelling units.”

The attempt there was not to have a sea of bicycle racks all over throughout the apartment project but give some flexibility to have bicycle parking with a hook on the side of a wall, or to store their bike on the first floor of the units for those people who rent, so you don't have a wash of bicycle racks throughout the project. There was a requirement for four bicycle spaces in the private park, Tract T, and additional parking in front of the community center.

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	<p>If you have any questions. I'm forwarding a recommendation of approval to the City Council for the zone map amendment.</p>
Mayor Knapp	<p>Thank you Mr. Edmonds.</p> <p>I know we have at least one or two questions on the panel, but I want to make sure that the Council keeps in mind that we'll ask Mr. Kohlhoff to give us a clarification of the question in front of us so that we can be on target.</p>
Councilor Goddard	<p>Thank you your Honor.</p> <p>I appreciate you providing the Comprehensive Plan map. If I look at the Comprehensive Plan it suggests for this area that we are talking about here, 6-7 dwelling units per acre.</p> <p>So I guess my first question, is are we following our Comprehensive Plan or are we not? It seems like we have a Comprehensive Plan for a reason, and one of those reasons is to help provide some vision and predictability for how our community is going to develop. When I look at the Comprehensive Plan map I see a vision for how this property was going to develop. And at 6-7 dwelling units per acre, that's 335 fewer housing units than what I'm seeing this proposal include. So to me that suggests a much higher density of housing than what was envisioned in the Comprehensive Plan.</p>
Mr. Edmonds	<p>Yes. Again going back I believe I provided you evidence that show you the Comprehensive Plan, the path to determining the ultimate maximum density, even the lowest density of that is that you need to have that combined with the PDR zoning. That's what the Comprehensive Plan is telling us, so this is in compliance with the Comprehensive Plan.</p>
Councilor Goddard	<p>I guess I'm not following that point. Because this area is not zoned PDR-4 today.</p>
Mr. Edmonds	<p>No. If the Council approves Ordinance No. 703, it would put it into the PDR4 zoning and that would trigger the density that the Comprehensive Plan, together with the zoning of that PDR4 zoning, you divide that gross site area by 4,000 square feet.</p> <p>Also, as part of the overall master plan modification there will be a density transfer credit. Brenchley South will be transferring density over to the North portion of the property to get the density they need at the north end, which is allowed through an overall master plan process. You can shift density to another site.</p> <p>I often use the Sun Dial apartments on the east side off of Vlahos Drive, as an example. You have a very large lot subdivision which are 7,500 to 8,000 square foot lots, but right next to it is a medium density residential apartment complex. That is because they shifted density from the east side to create the large lots and added more density to create the</p>

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	<p>apartments.</p> <p>Our planned development zoning allows for that and this is what the applicant is requesting, to shift some of that density that they didn't use on the south portion that you see under construction, and density transfer credit of 50% and moving it to the north.</p> <p>It is a stumbling block when you look at the Comprehensive Plan. It just simply shows 6-7, but again, you cannot divorce it from the zoning text, which is the implementing part of our Code that implements the Comprehensive Plan.</p>
Councilor Goddard	An alternative would be for this council to say we think this property needs to be developed consistent with the Comprehensive Plan, which is 6-7 dwelling units per acre and that the zoning
Mr. Edmonds	That would be in violation of the Comprehensive Plan
Councilor Goddard	How, I do not understand that. Why do we have a Comprehensive Plan designation of 6-7 units per acre, if you're telling me there is a legal rationale for not implementing that designation?
Mayor Knapp	Do we have an ambiguity between the map and the Code?
Mr. Edmonds	There could be. When this table was adopted, I don't know how carefully thought out it was, it did go through an extensive public hearing process, it was adopted by City ordinance, no one appealed that particular ordinance for any ambiguity, so this is the Code and the Comprehensive Plan that we have to work under as I speak.
Councilor Goddard	<p>But we're looking at potentially a PDR-4 zoning designation for this north area. If I look at PDR-4 that is consistent with 6-7 dwelling units per acre. So I'm not combining the south and the north, I'm saying let's look at the north which is yet to be developed, I'm looking at a Comprehensive Plan designation of 6-7 dwelling units per acre, if I might finish this thought, and a zoning district of PDR-4 that also is consistent with 6-7 dwelling units per acre.</p> <p>When I look at the application, not only are there, you know, we've lost according to my math, 63 town homes, we've added 24 apartments in the south, 22 apartments in the north; this in a community that already has over 50% of our housing units as apartments. I mean 4,591 apartments out of a total of 9,060 housing units. And a proposed density of over 30% increase over Bridge Creek, which is like, according to your numbers, 9.1 dwelling units per acre. So this area it looks like it is proposed 12.5 dwelling units per acre. So all of these things suggest to me a significant push toward higher density and potentially higher density than some of us might feel is appropriate for this piece of property. So I'm just trying to understand staff's rationale.</p>
Mr. Kohlhoff	First of all, you had in the first phase PDR-5, and there was in that phase also adopted interpretation by the City Council that is exactly what Mr. Edmonds had reported to you as how the ambiguity was resolved, if you

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	<p>want to call it an ambiguity, between the planned development residential unit count and a Comprehensive Plan PDU situation.</p> <p>Then on top of that, that is consistent with how the state law and Metro set up the minimums that you have to apply and interpret your zoning. I think we went through this and it was presented in the phase one situation and it has been previously adopted. Am I correct in that?</p>
Mr. Edmonds	<p>Yes, you are correct. Let us again look at the map; the north part does have a portion of property that is zoned PDR-5. You can see below that line and north of the creek, the drainage way, the SROZ, a portion of that, when I calculated the density included what they could get at the one per unit per 2,500 square feet. This is calculated one unit per 4,000 square feet. Then you have the density transfer credit from the south brought up to the north under the guise of a total master planned area, which is allowed under the Planned Development zoning, and the example I gave is sixteen years ago. This is something the City has been doing for thirty years; if you have an overall area master plan you can shift density from one area of the site to another area of the site. This is what this applicant is doing with this proposal. Very consistent with other land use decisions for the past thirty years.</p> <p>I would agree with you Mr. Goddard, it's revealing to see how the Comprehensive Plan and when you connect it with the minimum lot size of the zoning how it escalates to a higher density. I don't know if I can satisfy you with any other explanation, but that's what the Code and the Comprehensive Plan says for us to do.</p>
Mayor Knapp	<p>I would appreciate if Mr. Kohlhoff could give the Council benefit of a legal viewpoint of precisely what the question is, and precisely what the criteria is that we are directed to apply are.</p>
Mr. Kohlhoff	<p>I don't know that I can explain it any better than Mr. Edmonds has laid it out.</p> <p>The Comprehensive Plan is implemented by your Development and Zoning Code and in doing that it interprets the Comprehensive Plan. With the overall site being both a PDR-4 and PDR-5, and having minimums to that as far as their lot size and what 80% of that total would be and applying to the overall site they come up with a basic total number. Then the site got divided and with the issues as I understand it, with the division then there is the density transfer that occurs.</p> <p>The problem is, unfortunately, how this is set up. It is not an easy read in that you just can't look at the Comprehensive Plan and say 'that's the prevailing number' because and implementing that in that PD zone or Comprehensive Plan area they put in these two planned development residential. And the whole issue of having planned development is that you should get a little bit of flexibility in your design in order to not have</p>

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	<p>the same cookie cutter approach to things. And so I think that's all involved in that.</p> <p>As I said we went through and I think there was a finding and interpretation made that governs this in the first determination. I don't know that it would be, I think we ought to hear from the applicant and what the applicant has to say about how they looked at it originally and read this as well. Because they are involved in a lot of zoning and land use matters. So before you make a determination you need to hear from them as well on this interpretation.</p>
Mayor Knapp	The one thing I'm still unclear on, while I have you Mr. Kohlhoff, is how did these parcels get designated PDR-4 and PDR-5?
Mr. Edmonds	There is no PDR-4 yet, it is all PDR-5 and we're trying to
Mayor Knapp	And did that come out of the prior south piece land use approval or was it something?
Mr. Edmonds	Existing. The PDR-5 was existing when they submitted for Brenchley South, now Jory Trail at the Grove.
Mayor Knapp	Okay, so it was already designated for PDR-5 before they made their initial submission or proposal for this south end development?
Mr. Edmonds	Yes.
Mayor Knapp	So the fact is that the City has already designated it as PDR-5 in the zoning Code piece, is that correct?
Mr. Kohlhoff and Mr. Edmonds	Yes.
Mayor Knapp	Okay, not on the map, but in the Code it was designated as PDR-5.
Mr. Edmonds	Correct
Mayor Knapp	And the south end was not developed to the full density that PDR-5 provides
Mr. Edmonds	Correct.
Mayor Knapp	Therefore they are requesting, under our rules, an allowable transfer of 50% of the differential between what was built and what could have been built?
Mr. Edmonds	Correct. About 62 dwelling units from the SROZ they brought up to the north end
Mayor Knapp	Up to the north end in order to arrive at the numbers they are using now. Okay that helps me a little bit.
	There are other questions. Councilor Starr.
Councilor Starr	I just had a question, Mr. Kohlhoff, you referred to minimums several times, but on some of these maps I'm looking at maximums and units, and they seem to be more like we're maxing out everything instead of minimums. So could you clarify what you are talking about there?
Mr. Kohlhoff	The applicant has, I would say, maximized what they can do because by the numbers
Councilor Starr	What they can do for PDR-5?

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Mr. Kohlhoff	<p>For the total project. I think it was 755 units and they application shows 754. Within one I would say that is maximizing.</p> <p>How we have to interpret this, and Blaise you had the slide about the 80%, that's what I was talking about on the interpretation. Metro required that we put that into our Comprehensive Plan, "the City is required by Metro to assure that residential densities in new developments are not less than 80% of maximum zoned density."</p> <p>My understanding is in both of these PDR-4 and PDR-5 we talk in alternative terms of units, but also in lot sizes. So when you look at the lot sizes and apply that standard to that, that's how they came up with what I would say, would be the minimum and the maximum, but it is within that 80%. Correct?</p> <p>So that's I know that's very confusing to you, it's confusing to me as I go through it. And I always have to shake my head, but that's what I meant by that. The actual unit count that is being proposed is within one of the maximum that they could have under this interpretation.</p> <p>At one point the interpretation had led to believe it might have been 780, but it's not.</p>
Mr. Edmonds	<p>I would like to add that we're looking at raw numbers now in terms of density. When you are finished with me, the applicant has a presentation to show how they feel the maximum density fits the site and give you the actual site design and try to sway you to think their site design is appropriate for that kind of housing.</p>
Mayor Knapp	<p>Okay, we'll certainly hear that.</p> <p>I have a light indicating staff wishes to speak over here?</p>
Mr. Cosgrove	<p>I just had a question for Blaise. If we remove the ambiguities in the Zoning Code and if we had a perfect world, would the overall density of that site change much with the Metro regional functional plan?</p>
Mr. Edmonds	<p>It would change much if we didn't have?</p>
Mr. Cosgrove	<p>If we didn't have the ambiguities and you're talking about the requirements related to land use laws and density and fair share and all that, would the overall density of that site change much?</p>
Mr. Edmonds	<p>When I first looked at this density I was just as perplexed as you are looking right now. It was a big pill to swallow when I was trying to crunch these numbers and figure out density. It was pretty revealing when you combine the two how with the increased density you have more units. I think there probably needs to be, there are some deficiencies in that table that as approved in 2002, there are gaps. There are issues with that table that I think that needs to be revisited.</p> <p>But I'm not sure, I think if you didn't have the Comprehensive Plan and</p>

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	just went to pure zoning, I'm not sure I'm following your question.
Mr. Cosgrove	I'm just wondering if we didn't have the ambiguities that we would end up with the same place that we're at right now.
Mr. Edmonds	I don't know.
Mr. Cosgrove	Okay, that's probably not a fair question.
Mayor Knapp	Councilor Núñez.
Councilor Núñez	Thank you your Honor. Mr. Edmonds thanks for the overall review and Michael this may be a question for you, but you may be able to answer it Blaise. So tonight I understand what we have before us, having to decide whether or not we want to zone designate to PDR-4 and moving the density from the south to the north, all that good stuff. But my question to you is do we have to make a decision tonight, or what are our options?
Mr. Edmonds	This is your first reading. Your second reading, I think it was something else that Mr. Kohlhoff raised about keeping the record open for seven days because there were some questions of the applicant about some change of ownership if they can actually shift some of the density up since there has been some change of ownership. That is something that the applicant is prepared to address tonight. So there's again back to the work session, keeping the record open for seven days. Would that be correct Mr. Kohlhoff?
Mr. Kohlhoff	Right. I think I mentioned to you that when we stated this and we looked at the total property Holland Group had the total property. Then, once they received the development approval and going forward with the development approval for phase one, which is now Jory Trail I believe, the property got sold to a limited partnership which is composed of some limited liability companies of which Holland Group has some interest in. Then the application came in and we wanted to make sure that the current owner of the first phase was on board with the density transfer and our indication by a letter, that we have a copy of by email to be submitted, would indicate that they are, but they haven't had their attorney take a final look, and they requested some additional time to get that document in. So one of the ways to do that is to simply keep the record open for seven days so it can come in within that time, and then you have to keep the record open again for anyone that might object or want to speak to that for another seven days. You can make your decision subject to that or you can continue your whole decision if you wanted to our meeting on May 7. I don't know when the 120 days runs.
Mr. Edmonds	We have time. I think in July.

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Mr. Kohlhoff	The 120 day rule is that we have to make a decision within 120 days of the completeness of the application. If you do not make a decision within that time then an applicant has the ability to request the Circuit Court to enter an approval.
Mr. Edmonds	I don't have that information in front of me, I believe it was sometime in July.
Mayor Knapp	Thank you. I think at this point we should hear from the applicants. They've heard some of the discussion and some of the concerns and questions and I'm sure that they can address some of that for us, which would be helpful.
Don Hansen OTAK	<p>We are the engineers and planners for the project. Clyde Holland is with me, the developer of the project.</p> <p>We will try and respond to everything we hear from you. We have gone through the staff report which is very thorough. We certainly had a thorough visit with Panel-B and went through all of the design issues on the project with them very carefully, and we are in agreement with the conditions of approval as well as the findings. I think they are A-1 through A-28 which are relevant this evening.</p> <p>Given that, I'll do a brief overview of the master plan. While I do that, I would like to make some, what I think are commonsensical points on why this density here. Why in this location.</p> <p>This shows our overall master plan. And as mentioned we're basically wrapping the west and north parcel of the site with three-story multifamily buildings. We have a group of single family home sites in the center of the site the "quiet zone" and we have an apartment building with 71 units adjacent to Parkway, as well as our drainage way through the site.</p> <p>The context is important. And I'm glad actually even though the Comprehensive Plan issue is kind of confusing this evening, I'm glad that Blaise brought the map. Because this parcel of land juts up into an employment area. It is surrounded by employment and commercial uses on three sides. It has a collector street all along its east boundary, I-5 the busiest road in Oregon is its west boundary, and the north boundary is Boeckman Road which will ultimately be a five-lane collector street. We are certainly aware of that and we are dedicating the right of way and funding.</p> <p>Just some construction photos, what's going on now on site. This is the south end and I think the point to make here is saving groves of trees is very successful, and it has really worked on this development quite well.</p> <p>This is also, I think, a statement about your SROZ process. On the south end we have great upland SROZ and we have a drainage way, a riparian</p>

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	<p>SROZ through the site. They are being preserved and we are transferring density off of a portion of it to the north end. But the program is really successful in the City.</p>
<p>Clyde Holland Holland Partner Group</p>	<p>If you look in the foreground on Parkway, one of the things we felt like was really important as we looked at this overall project was to respect the natural resources, not only the SROZ zones, but also along Parkway there is some very significant stands of Doug Fir, and other trees. So we voluntarily looked to increase the 20 foot setback to a 60 foot setback all along Parkway all the way up essentially from the southern corner of the site all the way up through the drainage way. In doing so we were able to significantly improve the retention of the trees. And we've looked at the site as a whole in that process.</p> <p>The first aspect of what we wanted to do was to create a community or series of communities that really were tremendous additions to the City. Blaise and your city counsel have talked about this being the first reading and with the second reading coming in three weeks should you allow us to take that opportunity.</p> <p>One of the invitations that I would like to make after Friday, is actually to see what we've been able to accomplish there at the project. We anticipate opening the club house and the first group of units this next weekend. We would welcome an opportunity for you to see that from that standpoint because I think that's a real significant part of what we're doing and how we're going about it in terms of meeting the housing needs of the citizens.</p> <p>I don't want to jump in too much, but I felt that was really important background before getting too far away.</p>
<p>Mr. Hansen</p>	<p>I'll talk a little bit about the master plan.</p> <p>It's all oriented around the existing oak grove that [garbled] picture show is a historic site. And we basically put an acre and a half park in that area and it's a focal point. We've built a loop around it and an access road that comes in from Parkway directly at it.</p> <p>Again related to density 42% of our north end plan is in open space right now and we've achieved that through some very careful site design. You'll notice the multifamily buildings on the west and north portions of the site capture landscape courts that range in size from ¼ to ½ acre. So these are not just small left over open spaces, they are large and very usable.</p> <p>The single family home sites in the center or the property have open space tracts that are almost two acres in size, excluding the area that saves the oak trees. So we've been very careful about our site design.</p>

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	<p>The apartment building the 71 units that are labeled, Councilor Starr, you had some questions about that earlier on. There was resistance to the 4-story request from the people on the design panel; we withdrew that at the hearing. Basically we essentially kept the 71 units with the agreement that it would be a different building form on that same site.</p> <p>The future development parcel that we identified on the corner, we haven't made up our mind on that but we can talk about it a little bit I think. We know we would like to have small scale retail as part of that development parcel, very walkable, very approachable for everybody that lives in this project that doesn't compete with Town Center, but is just the simple walk to trip or convince trip on the north end of the site.</p>
Mr. Holland	<p>Don, if I could ask you to back up just one slide.</p> <p>If you look in the foreground, or the back of the area, one of the reasons and part of the thought process in terms of why the apartments along I-5 and Boeckman here, are if you look at what's happening at Mentor Graphics and if you look at the reduction of the 220 units that Mentor Graphics took out across the way for their expansion proposal, one of the things that we have as our main tenet is, we want to reduce reliance on automobiles. And we look at the working population right in that area that's walkable, or bike able and the Gen-Y population that is essentially working at Mentor Graphics, and now with the addition of the Oregon Institute of Technology, which is opening their campus this fall, they are going to have an initial 500 students.</p> <p>We've had 60 students already raise their hand and say we want to relocate from other areas within the region to Wilsonville to go to that campus. And we have students that are now reserving ahead units that will be done in August so that they can walk to school and allow their families to have one car instead of two.</p> <p>The second piece of that is what we're finding now and what we are anticipating in our marketing is that there is a significant demand for retired housing in this area. The 200, I think the number was 282, 275-285 of retired households that were in this location really relied on a number of different factors here. One walkability to the Town Center, very quick access to medical facilities at Providence, access to the Senior Center.</p> <p>We have already begun our outreach and with the appropriate certificates of occupancy for our first units and club house, and a lot of the interest has been from the senior community and allowing them to come in and have a full review of the community first, allowing them to reserve the first floor units, if they so choose.</p>

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	<p>So we see two very significant populations that we are serving here from a rental housing standpoint that are significant unmet needs. The percentage of apartment vacancy has shrunk. Oregon has the lowest vacancy of any metro in the nation. The Census Bureau cites a 3% vacancy in apartments, and for these two populations and particularly in areas like this, the vacancy is even less.</p> <p>We have put one, two and three-bedroom ground floor units, obviously there are second, third floors as well, and as Blaise pointed out, we have four bedroom units at the very northern corner of the site</p>
Mr. Hansen	That would be the student zone.
Mr. Holland	<p>Exactly, to allow walkability again. And then the last piece of that is when we had the opportunity to consider the bus stop, we absolutely encouraged that. Because our intention in what we're studying and we want to let the market tell us what the demand is, our intention is to do an age restricted community there, with some level of services for seniors. And by having some level of dedicated seniors, all the rest of the seniors within this area that will walk and use the trail systems that we are proposing will have an opportunity to visit, socialize etc. and so it's the concept of 'aging in place' which one of your local groups has said is really an important part of the process.</p> <p>Reaching out to the demand from a rental standpoint for seniors and also for technology workers and students, you have an ability to significantly reduce your traffic impacts for the working population and the student population that will go from 500 in the fall of 2012, to 1,000 the fall of 2013, and ultimately 1,500 students within a five minute walk.</p> <p>That's part of the thought process if you will behind our</p>
Mr. Hansen	<p>I'll circle back to density and make a few more comments and Clyde may want to add on to these also.</p> <p>Obviously we're in favor of the lot size determination, not the Comprehensive Plan number 6-7 units per acre. It's what we used on the south end, it's kind of what our working assumption was when we computed density within PDR-5 and we've carried that over on our PDR-4 thinking to the north. So that became a given to us.</p> <p>It was also a key part in what began to establish the cash settlement for people that used to live at Thunderbird. That all kind of worked into one large agreement on methodology for computing density.</p> <p>Departing from that right now would be difficult. One thing I will say, and I acknowledge that it is unusual that there is that kind of difference between zoning and Comprehensive Plan; typically in municipalities it's the Comprehensive Plan that pushes it to more density than the underlying</p>

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	<p>zoning. And so this is kind of turned around in some way that is an unusual situation I will say that.</p> <p>I don't know if we have further comments Clyde, anything to finish up?</p>
Mr. Holland	<p>With respect to density, as we looked at this we visited with staff, we looked at your Code , we asked for interpretation, we had our land use counsel review the interpretation and what the allowable density was.</p> <p>The issues on [garbled] if you will, there was a \$750,000 unfunded settlement with all of the previous residents if you will of the park. There was also approximately \$186,000 of unpaid bills for some water and evidently there was a break and spillage. And what we did, once we got an understanding of what you're Code and what we could expect in terms of reliance on your Code and how it would be pieced together, we went to our investors and said "We feel like this is an appropriate settlement with the City for this aspect of things". We feel like we can create a project that will meet the needs and be a part of what we hold from our standpoint which is we want to only develop in core urban locations where we can reduce the reliance on automobiles to promote walkability, bike ability, use of public transportation and really meet an existing unmet need. We feel that at this site we have accomplished all of the above. We have a bus stop further to the south, we've got the proposed bus stop to the north, we have a walkability to not only the Oregon Institute of Technology, but also the Pioneer Pacific College from that standpoint.</p> <p>And in addition what I would say is we really have enjoyed working with your staff in terms of saving the trees. Not only did we save the trees along Parkway but you look at the southeastern corner we've brought our buildings all the way back in to save that grove of trees and then throughout the site we worked with our arborist to come in and to look at all of the trees that could be transplanted into a holding area while we were under construction, and we actually created a nursery that is currently on the 32-single family lot area. Those trees are being transplanted back in. We have about 20 forty-year old red leaf maples; we've got all kinds of plant material. I really feel like we've really gone to great lengths if you will, to preserve everything that is possible. All of the heritage trees have been saved and we've really done our best to work with the City to provide an opportunity to put the needed units in a place where residents can access them, again with a minimum reliance on the automobile.</p> <p>There were a number of comments earlier about our traffic study. Our traffic study was done assuming 100% market rate units, with no reduction for seniors, no reduction for multi-modal, no reduction for walkable, bike able to employment or to education. And given the number of inquiries that we've had and leases that have already been</p>

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	<p>done, we're seeing as much as 35% seniors, is what we kind of expected.</p> <p>Again we have not come in with our Phase II application for this area to the north because we want to really see what the market is telling us. And if possible we really feel like that area can be designated and potentially all the single family can be designated as age restricted. Really giving the seniors an opportunity to have a node there that would provide a really usable area for them.</p>
Mr. Hansen	I think Mayor Knapp that certainly concludes our comments. We welcome any questions or comments.
Mayor Knapp	Okay, sounds good. I'm sure we'll have a few. Councilor Goddard.
Councilor Goddard	I guess my first question is how much parking is provided?
Mr. Hansen	We are 80 units over Code on basically you see on the north end of that master plan. The reason we did that
Councilor Goddard	I don't get a lot of comfort in the Code because I know when we were talking about this development across the street we had a certain assumption of what the Code required and I think we've all seen you know the demand for parking was sorely underestimated and we've got parking spilling over outside of that development today. And that's with a completely affordable senior housing project.
Mr. Hansen	<p>That's an interesting site and there's no place to overflow from there. And I've certainly looked at that project very closely.</p> <p>When I say we're 80 over, we're 80 over on the multifamily portion of the site that is along the freeway and along Boeckman Road. And so just in looking in that, because that's where most of the parking demand is going to be. We also know a lot about the market in multifamily and we know the problems that occur when you don't provide enough parking.</p> <p>We also have not computed in any of the parallel parking that is allowed on the public street network that we're building all along the north end. So that's on top of 80 over. The 80 over is onsite. So we think it's generous. We're doing that from a market perspective and we're also doing it based on what we've heard from our neighbors. Clyde and I went and met with them while we were doing the south phase, and they said make sure you do enough parking because you have no place to overflow on and it would be extremely unhappy if they overflow in our neighborhood. And we took that to heart, so I think we've solved the issue.</p>
Mr. Holland	<p>Councilmen the parking ratios we start with one per bedroom and so we anticipate one car per bedroom. Again that doesn't take any reduction in the bike able, walkable things from that stand point.</p> <p>We've been using that for twenty-five years, I've been personally on point for 6,000 units of development here in Portland. We've developed extensive communities, we developed the entire 2,700 units master planned at Tannasborn and we actually have more parking here because</p>

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	we have not counted any of the parallel parking on the loop road, compared to the projects we've done there. In none of those projects do we have a parking shortage.
Mr. Hansen	Clyde we also pushed the parking up around the two purple buildings on this image which is the club house. Because not only will people go there to exercise and use it, they're going to pick their mail up there. Some people will do that on the way home, obviously we prefer that they walk over there, or bike over there from the project, but it could happen, so we planned for that.
Councilor Goddard	That's helpful. I guess the other thing I wanted to mention because there were a couple of comments that you made. One was sort of around the density at the south end and that sort of became a given, became sort of your working
Mr. Hansen	Methodology for the north end
Councilor Goddard	And the other I think were Mr. Holland's comments about the settlement. So I just, let me start by saying I appreciate very much all of the effort that went into finding a solution for the former residents of the Thunderbird Mobile Park and I appreciate that this project has a number of different facets to it, but I do want to point out that during the earlier conversations about Phase-I, I specifically asked that the settlement not be tied to some promise of higher densities at the north end of the project. So I guess I would be a little bit troubled if you sort of walked away from those discussions or negotiations feeling like you had some commitment of what those densities would be like, because that specifically ran counter to comments that I had had, and I think probably got in front of this Council's decision about what we would want to do with that area.
Mr. Holland	Commissioner we had no anticipation of expecting any further density if you will, above what the plans were and what the Code provided for. So I think that is a consistent process from our standpoint. I think the real question is, if you look at the Code we have a PDR-5 zoning for everything below the red line that Blaise outlined. It is our understanding, and I welcome an interpretation, that when you go to, in your Code the 6-7 zoning, it ties directly to a minimum of PDR-4. And so when you look at PDR-4 it has a 4,000 square foot, and so we are one unit under that. Given what we're looking, at we don't necessarily need to go to the maximum. But part of our thought process was that in the entire area, which we're not in for as it relates to as you call it, Stage II Plan Permit, we are anticipating looking at that whole area and bringing that back before you, before the Panel within your Code as part of giving ourselves a chance to see what the market really provides. How many seniors do we have in the first phase, how many seniors are interested in the 32 lots that we have? And in looking at that second element, that's where we felt like

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	<p>it would be appropriate to the extent that we can, and we can justify that, we feel like that is best served in an age restricted opportunity which will accomplish a number of things. Paramount of which is significantly reducing the amount of traffic demand in this area and allow seniors who are living on limited means the opportunity to rent something that they can be near a bus stop and walk to the Town Center, etc.</p> <p>We haven't asked for anything above what was provided for in your Code from that stand point.</p>
Councilor Goddard	Thank you.
Mayor Knapp	Are there other questions for the applicant? Councilor Starr.
Councilor Starr	<p>This is really difficult because I really want to make sure that we're respecting your rights as land owners, and the desirability to be in Wilsonville. And I think that's really important and I hope that decisions that were made last year didn't give you any kind of false pretenses as to what may happen this year.</p> <p>I'm just trying, I mean you're kind of caught in the middle of, I think to some degree, at least for me, trying to measure how to some degree the folks at Metro are shoving density down our throat to how do we protect and enhance Wilsonville's livability by providing quality service to ensure a safe attractive and economically vital community.</p> <p>And so I'm stuck in there because this density which would equate to almost 10% of the total density of Wilsonville from a dwelling unit perspective, what's that do to the livability. What's that do to the schools, what's that do to the roads that are going to be used like crazy? And I'm just trying to balance all of this. I want this to work out in a way where you get a decent return on your investment and yet we're protecting what our mission statement is. And right now I'm having a hard time of getting to that point. The mission statement seems to be the one that is losing the battle.</p> <p>I really really want to see you guys succeed in this venture, but I'm not seeing how we do that by maxing out this property in a way that helps me stay consistent to this mission.</p> <p>I guess I'm not really asking any questions but just kind of giving you some feedback to where I'm coming from as I try to make some decisions here.</p>
Mr. Hansen	<p>I appreciate that. I'll comment on your comments.</p> <p>When you look at adequate public facilities they exist to serve this site. The utility systems are all adequate. The traffic analysis from the engineer that the City engaged illustrates that the road system operates at acceptable levels once this is built. The school district is very aware of</p>

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	<p>the project and as a matter of fact as I understand it they are using the SROZ drainage way as a division line between two of their elementary schools, one existing one as well as the new one that is being constructed at Villebois. So there is capacity there.</p>
Councilor Starr	No, there is not capacity. Wood Middle School is over capacity
Mr. Hansen	<p>Apparently they haven't made a comment that there is a lack of capacity is the point I'm making.</p> <p>I think there may be some development character aspects of this that might be a little different with a lot less density, but we think this is a real positive design for this site, especially given its context.</p>
Mr. Holland	<p>Commissioner, with respect to the use of services, twenty years ago 75% of the households in America were married with children. That has shifted over to where we are today with only 25% of the households married with children. The need, if you will, is for Gen-Y opportunities to house Gen-Y. With the housing meltdown the lot inventory in Wilsonville in Villebois for a \$375,000 to \$450,000 three-bedroom home which was popular as a part of the process is probably a five to ten year supply.</p> <p>What is not being served here, and is an issue in the region, is that there are not enough apartments. Regionally Portland has the most shortage of apartments in any City in the nation. It's got the lowest vacancy. In addition, based on our market surveys only approximately 10% of the people who work in Wilsonville have the opportunity to live in Wilsonville in a housing unit that meets their needs. One of the things we've done as a part of our goals is to bring housing into communities which allow traffic to get better, not worse.</p> <p>And if you look at where we are, developing against the I-5 is a real challenge. It's not attractive from a single family standpoint. We're going to build a sixteen foot sound wall but the hum that is there is just not something that most buyers would consider attractive. So what we have done is really create an opportunity where we have the sound wall, we've set back from the sound wall garages which allow it to have gable roofs which will reach above that to act as a secondary sound barrier, and then, if you look at the organization of our buildings, we've organized the buildings in rectilinear form, and we're also using double pane windows and insulation, if you will, from a sound standpoint. But those buildings and the way that they are oriented are the third line of defense against the hum and the noise.</p> <p>So we looked at how to do that and to place those in a place where individuals in their 20s and 30s who most of the time have their iPods in, and could walk to school or walk to work, would find those significantly attractive. And then on the inside of the site, if you look at that we've</p>

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counted and tagged every major tree keeping an entire grove of white oaks, you can also look at the major trees on Parkway, and the major trees where we split the single family and all of those have been surveyed in their entire drip lines, all of the different aspects to allow on the inside of the site to allow the entire area to be open to for sale housing. As I spoke to previously we are looking to justify the market to tell us that we can age restrict that and have that be market viable.

What I would say if you look at this from a school standpoint, our communities have approximately 1/3 of the student age population of what the school system anticipates. That's because approximately 35-45% of this project will be one bedroom, and one bedrooms don't house families they house Gen Y, 20-30 year old Gen Y workers, who are already working at Mentor Graphics but can't live in Wilsonville because there is no vacant one bedrooms. Also students from OIT and from Pioneer Pacific College.

The two bedroom units are all split masters allowing for roommate sharing. Then our four bedroom units will serve an opportunity for family's or students. What we've seen in those same four bedroom units in Tannasborn next to OGI they are almost all occupied by students from a share standpoint.

So from a road standpoint we've significantly reduced the traffic impacts here in how we've planned this and how this project will actually live significantly below the transit related calculations which give us no benefit for any of the above from that standpoint.

From a community based standpoint, what I would say, I would submit to you that you have a two stage process here, this is not a decision. It allows it go forward on a first reading. What I would submit to you, if you allowed us to do that, take the opportunity to go look at the project that we have that we're opening in the model and in the project. I would submit to you that what you'll find is this will be the finest quality rental housing in your entire city.

And when you look a that and when you look at the opportunity to put it in the center right were the employment is that the people who are currently clogging up the roads coming into Wilsonville and trying to leave at the end of the day and having to go in multiple directions who would have the opportunity instead to walk, take the bus directly to multimodal from the transit center or from the transfer station; and students with respect to walking combined with seniors, I think you'll find that we're bringing forth something in a project that you can be really proud of. It really is the right product for the right location.

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	I know there is a lot of stress back and forth with respect to density and those things, but on the ability to come in, at or less than what your current Comprehensive Plan currently shows, and I was confused as well, well does that really mean it's only 6-7 and we had to go through the whole deal as we went through the interpretation. But the Comprehensive Plan element effectively is for this area on the Plan is the 6-7 which equates to PDR-4, which is exactly what we have brought before you.
Mr. Hansen	We think we can do some really nice design things with this site with the density that we propose. Mayor Knapp, I know our neighbors are here and they probably want to testify tonight, so maybe that should conclude what we say at this point.
Mr. Holland	I'd be glad to respond.
Mr. Kohlhoff	We also just introduced into the record an email that we received from the school district.
Mr. Edmonds	Yes. I have provided Ms. King that email last week, I don't know if she got it into the record or not, that email from the school district Mr. Tim Woodley talking about school capacity.
Mr. Kohlhoff	We have it in the record now and the other portion of the record we have the Comprehensive Plan Map and then you have a letter to introduce? Did you introduce it?
Mr. Hansen	Mayor Knapp, one request I would make is there has been, while this letter is being distributed, if we do have a conversation about leaving the record open or continuing this or whatever, we would like the ability to come back up and talk about that at that point.
Mr. Knapp	Well there are two things and the Council can take either alternative. They can either leave the record open for any new information that might come forth. Or they can leave it open limited to this particular document and any rebuttal to that document that somebody might have. So those are the two options. One is a limited open, or the other is a complete open.
Mr. Hansen	The limited open, so then they both would basically be seven days, seven days. So in other words I think the next scheduled hearing on this item is May 7
Mr. Kohlhoff	Correct.
Mr. Hansen	And that could still occur on that time line.
Mr. Kohlhoff	Yes because today is the 16 th , seven is the 23 rd , another seven is the 30 th .
Mr. Hansen	Plenty of time. In that case, in case there is further information we want to provide to the Council, we'd want to go seven, seven, open on all.

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Mr. Holland	<p>We think the more you look and the more you study this the more you'll like it.</p> <p>I've written down all your thoughts and listened carefully in the work session and we have a number of things that we could bring back if you allowed us to at the hearing that would happen in May that would help you in terms of looking at this from a decision standpoint.</p>
Mr. Hansen	I think what the City is looking for though is that we do that during the comment period.
Mr. Kohlhoff	No. If we're going to leave the record open, we will continue the hearing and leave the record open for further comments. Then once it's closed they can make a decision on the first reading, and they can made a decision on the second reading – should there be a second reading – all on the same night.
Mr. Hansen	Okay, that works.
Mr. Kohlhoff	And I think that was the answer to Councilor Goddard's question as well about continuing it. If you wanted to do that.
Mayor Knapp	Councilor Goddard, did you have a further question that you needed to ask?
Councilor Goddard	I did and it's sort of related to that. Just in terms of the process. Am I correct that your intent is to not submit a development application for this Phase II north area until some point down the road?
Mr. Hansen	<p>We've submitted a Stage I and a Stage II application for the multifamily portion of the site on the west side and the north side. That's our initial phase.</p> <p>What we hope to do is come in and basically starts building that during the dry season this year. We requested a Stage I approval only on the single family home sites as well as the apartment building close to Parkway.</p>
Councilor Goddard	My question is that given that you are requesting a zoning order now, but the development application for at least part of this site wouldn't be submitted until some point down the road?
Mr. Holland	We're not anticipating in 2012 any development on anything that is on the east side of the loop road
Mr. Hansen	On the inside
Mr. Holland	On the inside.
Councilor Goddard	So my question is because we are entertaining the zoning request at this point my question really is how do we have some measure of confidence that this property is going to develop the way that it looks like now or whatever we might envision given that the development application for at least part of the property wouldn't be submitted until some point in the future.
Mr. Holland	I'm not exactly sure of the process, but I'd be very pleased to agree now that we'll bring back, when we're ready, that we'll bring that back before

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	you.
Mr. Hansen	<p>Well Panel-B does a pretty good job. And Panel-B basically looked at this whole thing, Stage I and Stage II, in a fair level of detail.</p> <p>We will be required to go back to them obviously for Stage II for single family and the building along Parkway. If we make concept change to those and I'm getting to your point about surety, if we make concept changes to those phases, we have to go back though a Stage I process with the design Panel</p>
Mr. Holland	<p>Commissioner Goddard, I'll go above the Code.</p> <p>You are in charge of insuring the health, welfare, and safety of your residents and I very much appreciate your question in terms of wanting to appreciate your mission. We view ourselves as a valuable part of every community that we're in. If you all feel that you want to make sure before we build anything in the area that you feel like we've done and performed and we're doing what we said we would, and you can see in that subsequent application that process, I'm very glad to do it. If it's appealed we'll come before you anyway. I'm just telling you we'll come before you voluntarily.</p>
Mr. Hansen	That's correct. Council can call these things up.
Mr. Holland	Absolutely. I'll just agree to that now.
Mr. Kohlhoff	If they came back with apartments instead of single family you could call that up if you wanted to.
Mr. Holland	One of the things we're studying right now is the biggest request we're having is for single story dwellings for seniors, and we have a concept plan that's part of, we went back scratching our heads because most of the time when we're talking to seniors, they want elevators, but the thing they want more than elevators, is single story. So we're actually looking are reconfiguring that in a way that stays consistent but provides the seniors with an ability to have some single story units and to have less concentration, if you will, in an elevator served building from that standpoint.
Councilor Goddard	Thank you.
Mayor Knapp	<p>Okay, thank you very much.</p> <p>It's 10:15 p.m. Procedurally we are due to adjourn now, unless we have a council motion to continue and the protocol says we should make that agreement if we think we can complete the item that we're on by 11 p.m.</p>
Mr. Kohlhoff	What I might suggest is you ask how many in the audience want to testify, and that might give you an idea if that might help you in that decision making rather than having them come back.
Mayor Knapp	Okay. I don't have any speaker cards. Are there people in the audience that would like to give public testimony on this item? Please raise your

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	<p>hand.</p> <p>I see none.</p> <p>So the question is, I guess, for the Council whether we think we can complete some kind of an action on this to move it forward in the intervening time in which case we should formally agree to extend. Or if we do not.</p>
Councilor Goddard	<p>I was just going to ask a question of Mr. Kohlhoff. If we are talking about now about leaving the record open for some period of time, and if we choose to do that, is there really anything that's going to slow up the process if we just agree to adjourn this evening and then pick back up at our next meeting?</p>
Mr. Kohlhoff	<p>If you were to continue the meeting but also request that any written documents that we talked about are submitted to us within seven days that's one way to do it.</p> <p>You could continue the meeting and keep it open to take additional testimony before you make you initial decision at the next meeting. If you did that then the document could come in anytime and others could come in and testify. I would only suggest that you open it for new information, continue it for new information.</p> <p>So if they do have some changes that they want to bring back to you that would be new information.</p>
Councilor Goddard	<p>I'm just thinking about the clock on the wall, and whether we're going to be effective if we continue this evening.</p>
Mr. Hansen	<p>Can I comment on this? We're still open right?</p> <p>I don't think we'd be bringing back anything new or different design solution. If anything we'd bring back maybe some more thorough responses to your comments this evening.</p>
Mr. Holland	<p>I think technically if I'm not mistaken, you have the ability to allow the first reading to have been heard, keep the record open, and not take any formal action until the May 7th meeting, in which case the first and second reading, we would have met the appropriate deals, whichever way you ultimately decide.</p>
Mayor Knapp	<p>Is that accurate?</p>
Mr. Kohlhoff	<p>There are many alternatives you can have here.</p> <p>I think what I would recommend to you is that you continue the meeting as open for any further new information. Continue the hearing for any further new information.</p> <p>And also continue the determination on the first reading. So then your order on the May 7th would be if there is any further new information they</p>

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	<p>can always argue if they have additional arguments to make, there is a difference between arguments and evidence obviously. But this is trying to keep the evidentiary part of it what you've had tonight plus leaving it open for the submittal that we know needs to come in.</p> <p>But if you do leave it open like that; it is possible for someone else to come in because they haven't testified to give some additional testimony.</p>
Mayor Knapp	And so your suggestion is to leave it open as to any new information or just leave it open period?
Mr. Kohlhoff	I think if there was no one that showed up at this one, I would suggest that you leave it open for new information and the document that we need as part of that new information.
Councilor Starr	So would that give us enough time to have a vote at the next Council meeting and a second vote the following Council meeting?
Mr. Kohlhoff	No, you could have them both first and second reading
Councilor Starr	I know we can
Mr. Kohlhoff	According to if its 120 days technically you could, I don't know what that does to their schedule in what they have to have for knowledge if they are going to go forward or not. But if it is within the 120 days if it's not until July. The answer is yes.
Mayor Knapp	<p>I have some concern that we are far afield of what the statutory question in front of us is. Staff has indicated to us that they believe this complies with the statutory requirements based on the existing PDR-5 and PDR-4 designation in the Code.</p> <p>Broad considerations about what this Council's members may think the Code should be is not what is in front of us. It is a question of what the Code is. And discussion about changing the Code or doing it differently than what the Code says is dangerous ground from a legal standpoint for us to tread. If changes were desired to be made they would need to be brought forward and would affect future applicants. But by law, as I understand it we cannot apply them to this applicant who is already in the process.</p> <p>The questions have covered a huge range of issues other than whether this applicant has met the Code requirement.</p> <p>Like I say, I have some real concerns about this and don't know what this council's predilection would be. It's also been testified that instead of dragging this out as long as possible we could do the first reading tonight and still have room for information, discussion and rebuttal next time before we would make a second reading.</p> <p>I am sensitive to the amount of time and money this applicant has put into the process and I have concerns that we are in danger of not applying the relevant criteria to this decision if we are not careful.</p>

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	<p>I would like to poll the council on whether you feel that it would be more beneficial to the process of reaching a resolution to continue the hearing and leave it open for any new information, or whether you feel that we could conclude first reading tonight and still invite new information for the second meeting at the subsequent meeting. Which I think is a fairly specific question.</p> <p>Starting with Councilor Starr</p>
Councilor Starr	I could do whatever the pleasure of the Council is.
Mayor Knapp	I don't know if we'll arrive at a conclusion but let's see. Council Núñez.
Council President Núñez	<p>If we continue the hearing for any new information and then wait until the next meeting to make a determination on the first reading, and then do the second reading, I guess I don't, I'm not aware of why that, why we couldn't go that route, instead of passing first and then going to the second.</p> <p>And then you mentioned Mayor and I may not be aware of this as far as the cost to those in front of us from Holland</p>
Mayor Knapp	Well it certainly engaging the experts they have to engage for continued work is a cost of development. And I'm just not clear that anything is different for first reading in two weeks than it is now.
Council President Núñez	I can't answer that for them.
Mr. Holland	<p>With respect to the cost element, one of the things that we have as developers, we have approximately 12-14 weeks out of the year when you want to get all of your site work done to minimize the impact on the environment. And we, given the great working relationship and the understanding that we've had to date of actually not only taken the land use aspect of this but 100% of all the drawings and everything has been completed so that we can be in a position to start construction as soon as things dry out.</p> <p>As you all know the job aspect of things, and from a cost standpoint, trying to build exceptional quality which you will see if you visit our project is a challenge. So our hope is that we have appropriately interpreted the Code and that we would be in a position to try and have a dry start this year.</p>
Mayor Knapp	Okay. I'm hearing the construction season is an ongoing concern and another two weeks is another two weeks.
Mr. Hansen	Yeah, the dry weather trumps all other costs.
Mayor Knapp	Councilor Goddard.
Councilor Goddard	I guess I would say with all due respect, I think your attempt to frame the question in front of us is a little different than my understanding. Which is we have a request to change zoning on a piece of property. And one of

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	<p>the alternatives available to us is to propose a different density of housing than is being requested. And that would then require an accompanying change to the Comprehensive Plan.</p> <p>So, I'm not suggesting that is the direction we want to go and I want to be sensitive to the constraints that our guests here are facing in terms of developing this property. But I would say I'm equally sensitive to my responsibilities as an elected representative of our community and I want to fulfill my obligations here as well. So the answer to your question is I think it would be constructive for us to leave the record open for new information and then address this zoning request on first reading, and potentially second reading at our next meeting.</p> <p>Considering that it's 10:30 in the evening and I'm not sure it would be too constructive to continue tonight.</p>
Mayor Knapp	So we're back to Councilor Starr and did you hear any clear indication of which way the Council wants to go that you're willing to go with?
Councilor Starr	<p>I think I would agree that maybe we should just wait until next meeting and go from there. But I did have a question as it relates to your question on the bigger question.</p> <p>We know what the max is if we go with the proposed density what is the minimum with the proposed density change for units?</p>
Mr. Kohlhoff	Well, Blaise had a table that he gave you and I think you compute that from there.
Councilor Starr	I would really like to think about that in the next two weeks.
Mayor Knapp	I guess I would appreciate some kind of legal interpretation with regard to Councilor Goddard's understanding of what's in front of us, which is not exactly what I understand is in front of us. We have an option of saying "yes" or "no" is my understanding. We don't have an option of negotiating some different or applying some different standard
Mr. Kohlhoff	I didn't hear him say that. I heard him, he can speak for himself,
Councilor Goddard	<p>Maybe. So I'll pose the question as well since I guess I'm equally interested at this point.</p> <p>There is an alternative laid out in our council packet that specifically says "any proposals to create a lower or higher housing density would require a Comprehensive Plan amendment." So the applicant seeks zoning within the allowed PDR-4 and PDR-5 and is not seeking Comprehensive Plan amendment suggests to me an alternative course of action for the council could be a request to approve a different zoning than what the applicant is requesting. And if we were to accompany that with an amendment to the Comprehensive Plan then we could move forward and implement that.</p> <p>I just, so if that's not an option that is available to us let me know. But I think we have</p>

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Mr. Kohlhoff	<p>You have to act on this application. If you were to act on the application let's say you said "no" to the application then they can take an appeal. In the interim period of time you would then have to process a Comprehensive Plan change. You can't process it as part of this application because it wasn't requested. It is not before you. So you would have to do that outside and independently of this action.</p> <p>They are entitled to a decision on their application within 120 days.</p>
Councilor Goddard	Thank you.
Mayor Knapp	City Recorder King did you have a question?
Ms. King	I had a concern, Council President Núñez will not be here on the 7 th , so can we do the first and second reading at that time? Don't we need the full Council?
Mr. Kohlhoff	<p>If it's a unanimous decision, I have to take a look; the issue becomes what you read as far as the ordinance goes. You can always vote as long as you have a quorum. But the issue is you can dispense with the readings but I'll double check that.</p> <p>I believe the issue is whether or not you can dispense with the reading as whole of the ordinance, and we read them by title. There was a time in the past where I had to read every word in an ordinance until we got that changed and it used to be some people would stand in the back of the room and read them in some cities. So I think that's basically what we're talking about and the notice provision. We'll double check that and let you know right away.</p>
Mayor Knapp	<p>So here we are still, the question, or the answer I heard from Mr. Kohlhoff the applicant has a right to an answer on his application. That answer is "yes" or "no".</p> <p>An application to modify the Comprehensive Plan is a different subsequent application that runs through a different subsequent process to get to an answer to change things. Normally that would be instituted by an applicant. I'm not clear if, Councilor Goddard, you are talking about City council implementing that because that gets pretty shaky and guessing at what anyone else would find appropriate when they already own property that's being affected by your change. Therefore you quickly get back into the question of construction season and what can get done. Therein is my concern that I originally expressed about moving this forward.</p> <p>I have a request from Councilor Núñez.</p>
Council President Núñez	Thank you your Honor. With all due respect I think the late hour and you asked the question Mayor in regards to how we felt and whether the majority of the Council wanted to move forward or not. I think what I hear, and I want to make a motion that we continue the hearing for any new information for the May 7 th meeting, and then also move forward the

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	determination on first reading on the May 7 th meeting. Motion: Council President Nunez moved to continue hearing for any new information and first reading; Councilor Goddard seconded the motion.
Mr. Kohlhoff	And then we'll also set up the second reading for that unless there is some impediment?
Council President Núñez	And also set up for second reading.
Mayor Knapp	Is there a second?
Councilor Goddard	Second.
Mayor Knapp	Is there discussion? No discussion. Vote Motion carried 3-1. Mayor Knapp voting "no".
Mr. Kohlhoff	I believe I heard you say continue just for new information, right?
Council President Núñez	Yes.
Mr. Holland	Thank you very much, we really appreciate the opportunity.
Mayor Knapp	So I don't read the final notice because we haven't taken action. Okay.

End of Transcript.

CITY MANAGER'S BUSINESS – No report given.

CITY ATTORNEY'S BUSINESS – No report given.

ADJOURN

Motion: Council President Núñez moved to adjourn. Councilor Starr seconded the motion.

Vote: Motion carried 4-0.

The Council meeting adjourned at 10:35 p.m.

Respectfully submitted,

Sandra C. King, MMC, City Recorder

ATTEST:

TIM KNAPP, MAYOR